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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,182	03/25/2004	Kuniharu Umeno	033036.076	6820
25461 7590 04/16/2007 SMITH, GAMBRELL & RUSSELL SUITE 3100, PROMENADE II 1230 PEACHTREE STREET, N.E. ATLANTA, GA 30307-3592			EXAMINER SELLERS, ROBERT E	
			ART UNIT 1712	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS		MAIL DATE 04/16/2007	DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/809,182

Applicant(s)

UMENO ET AL.

Examiner

Robert Sellers

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/797,706.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is responsive to the Request for Continued Examination filed March 7, 2007.

Claim 10 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species of curing accelerator, there being no allowable generic or linking claim. The election of triphenylphosphine not embraced by general formula (3) or (4) was made **without** traverse in the non-Final rejection mailed June 28, 2006.

The declaration filed March 7, 2007 lists new Japanese priority application nos. 2003-072860, 2003-072861, 2003-064331 and 2003-064332 whose certified copies are in parent application no. 10/797,706.

The terminal disclaimer filed March 7, 2007 overcomes the obviousness-type double patenting over Umeno et al. Patent No. 7,023,098.

The text of sections 112, 102(e) and 103(a) of Title 35, U.S. Code not included in this action can be found in the non-Final rejection and Final rejection mailed November 7, 2006.

1. There is no support on page 9, line 21 to page 12, line 8 for a mixture of the curing accelerator of general formula (3) and that of general formula (4) embraced by the term "and/or" in line 4 of withdrawn claim 10.
2. The phrase "selected from" in claim 10, lines 7-8 and 9 is improper Markush language in the absence of the phrase "selected from the group consisting of."

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Claims 1-3 and 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Umeno et al. Patent No. 7,023,098.

The rejection is maintained for the reasons of record set forth in the previous Office actions. The arguments filed March 7, 2003 have been considered but are unpersuasive.

3. The claimed repeating unit values "n" for the epoxy resin of general formula (1) and phenol resin of general formula (2) of from 1 to 10 is not substantiated by the range of from 0.5 to 5 set forth in Japanese priority application nos. 2003-083937 (page 2, lines 24-25 and page 5, paragraph 7, lines 4-5 with respect to the epoxy resin and page 3, lines 4-5 and page 6, lines 4-5 regarding the phenol resin) and 2003-083938 (page 2, lines 23-24 and page 5, paragraph 7, lines 4-5 with respect to the epoxy resin and page 3, lines 4-5 and page 6, lines 4-5 regarding the phenol resin). Therefore, the effective filing date for the claimed epoxy resin and phenol resin is the filing date of the instant application of March 25, 2004. The filing date of Umeno et al. of March 10, 2004 antedates the effective filing date of the instant application.

4. More favorable consideration would be given to the amendment of the parameters for "n" in general formula (1) and (2) of from 0.5 to 5 as described in the Japanese priority applications.

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Claims 1-3 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallo Patent No. 6,432,540 and Iwasaki et al. Patent No. 6,242,110 in view of Japanese Patent No. 3-29352.

The rejection is maintained for the reasons of record set forth in the non-Final and Final rejections. No arguments have been presented contesting this rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Sellers whose telephone number is (571) 272-1093. The examiner can normally be reached on Monday to Friday from 9:30 to 6:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



Robert Sellers
Primary Examiner
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